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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.
4 W. A. DREW EDMONDSON, in his
5 capacity as ATTORNEY GENERAL
6 OF THE STATE OF OKLAHOMA and
7 OKLAHOMA SECRETARY OF THE
8 ENVIRONMENT C. MILES TOLBERT,
9 in his capacity as the TURSTEE
10 FOR NATURAL RESOURCES FOR
11 THE STATE OF OKLAHOMA,

12 Plaintiffs,

13 vs. 05-CV-0329 GKF-SAJ

14 TYSON FOODS, INC., TYSON
15 POULTRY, INC., TYSON CHICKEN,
16 INC., COBB-VANTRESS, INC.,
17 AVIAGEN, INC., CAL-MAINE FOODS,
18 INC., CAL-MAINE FARMS, INC.,
19 CARGILL, INC., CARGILL TURKEY
20 PRODUCTION, LLC, GEORGE'S, INC.,
21 GEORGE'S FARMS, INC., PETERSON
22 FARMS, INC., SIMMONS FOODS, INC.,
23 and WILLOW BROOK FOODS, INC.,

24 Defendants.

25 VIDEO DEPOSITION OF SHANON PHILLIPS
TAKEN ON BEHALF OF THE DEFENDANTS
JANUARY 17, 2008, BEGINNING AT 9:00 A.M.
IN OKLAHOMA CITY, OKLAHOMA

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25 REPORTED BY: Laura L. Robertson, CSR, RPR

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22 A. Well, I think the important thing to
23 remember about stream bank erosion is that it is
24 not -- it is part of the cycle that would provide
25 nutrients or bacteria to the stream. It wouldn't be

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1 the ultimate source of the bacteria or nutrients.

2 It would just be a storage for those
3 constituents that would then be released to the
4 stream.

5 Q. It is kind of part of best management
6 practices; correct?

7 A. Yes.

8 Q. Right. If you don't have stream bank
9 erosion, it is a substantial improvement to water
10 quality based upon the -- it is a buffer strip or some
11 area that filters out constituents prior to it
12 entering the waters; correct?

13 MR. LENNINGTON: Objection, form.

14 THE WITNESS: We do think stream bank
15 erosion has been shown to improve water quality in
16 some places.

17 MR. JANTZEN: We have been going for a
18 little bit, do you want to take a break?

19 MR. LENNINGTON: Sure.

20 (Short break)

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21 Q. (BY MR. JANTZEN) Welcome back. You
22 understands you're still under oath; correct?

23 A. Yes.

24 Q. Has the Oklahoma conservation commission
25 ever determined that there is an eminent and

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1 substantial endangerment to public health and human
2 environment relating to waters of the Illinois River
3 Watershed?

4 MR. LENNINGTON: Object to the form.

5 THE WITNESS: No.

6 Q. (BYMR. JANTZEN) Would you agree that there
7 are locations in the Illinois River Watershed where
8 poultry litter is land applied and where it does not
9 contribute to water quality issues in waters in the
10 Illinois River Watershed?

11 A. I would agree that there may be the
12 potential for poultry litter to be land applied and
13 not contribute.

14 Q. Are you, as you sit here today, are you
15 aware of any poultry feeding operations in the
16 Illinois River Watershed that are in violation of
17 their animal Waste Mangagement plan?

18 A. I'm not aware of any, but that's not our
19 responsibility to monitor that.

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20 Q. Are you aware of any locations in the
21 Illinois River Watershed where poultry litter is
22 indirect contact with waters of the Illinois River
23 Watershed?
24 A. Not at this time. I have heard antidotal
25 discussions about incidents where that occurred in the

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1 past.
2 Q. And from whom did you hear that?
3 A. My division director, Dan Butler.
4 Q. As you sit here, you're not aware of any
5 place in the Illinois River Watershed where poultry
6 litter is indirect contact with waters of the Illinois
7 River Watershed?
8 A. In direct contact? No.
9 Q. Are you aware of any health advise [RAEZ]
10 proceed [HEUB] [G] contact by humans with waters in
11 the Illinois River Watershed, as you sit here today?
12 A. I'm not aware of any.
13 Q. Has the conservation commission ever studied
14 bacteria from non-point sources in the Illinois River
15 Watershed?
16 A. The conservation commission collected, has
17 collected limited bacteria samples in the Illinois
18 River Watershed.

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